

1           **AN ORDINANCE TO AMEND CHAPTER 95, SECTIONS 95-3, 95-4, AND**  
2                           **95-11 OF THE MUNICIPAL CODE**  
3                           **OF THE TOWN OF HENLOPEN ACRES, DELAWARE,**  
4                           **RELATING TO RENTAL PROPERTY.**  
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7           **WHEREAS**, the Mayor and Town Commissioners of the Town of Henlopen Acres deem it  
8 appropriate to amend the requirements for licensing of rental property; and  
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10           **WHEREAS**, federal and State Code requirements change from time to time with relation to  
11 rental properties.  
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13           **BE IT ORDAINED** by the Mayor and Town Commissioners, in session met, a quorum  
14 pertaining at all times thereto, in the manner following to-wit:  
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16           **Section 1.** Chapter 95, Section 95-3, of the Municipal Code of the Town of Henlopen  
17 Acres, as amended, be and the same is hereby further amended by making the following additions as  
18 shown by underlining and deletions as shown by strikethrough:  
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20           **§ 95-3. Application for annual license.**  
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22           A. Application for a license required by § 95-2 hereof shall be made on the prescribed  
23 form, which may be amended from time to time, to the Town Manager in the Town  
24 Hall, and no license shall be granted until the license fee shall have been paid in full.  
25 Each such license and such application shall specify to whom it shall be issued and give  
26 the following information, including but not limited to:

- 27           (1) The home and business address of the applicant.  
28           (2) If the applicant is a partnership, the names and addresses of the individuals  
29 composing the partnership.  
30           (3) If the applicant is a corporation, the names and addresses of the principal  
31 officers of the corporation.  
32           (4) ~~A full description of the nature of the business or enterprise for which the~~  
33 ~~license is required.~~  
34           (5) The specific location of the business, occupation or activity, giving lot and  
35 block number ~~if located within the Town limits.~~  
36           (6) The number of sleeping rooms or bedrooms in each rental unit and the number  
37 of persons to be accommodated.  
38           (7) A statement that the applicant has complied with all laws and ordinances of the  
39 Town and that all taxes and assessments, if any due the Town, upon the property  
40 which the licensee will operate are paid.  
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42           B. It is presumed that each license applicant and each license holder meets certain required  
43 qualifications and has completed an affidavit to such effect, as follows:  
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- ~~(1) Has a good reputation that indicates the operation of a lawful business in such an honest manner as to be a credit to the Town.~~
- ~~(2) Is of good moral character.~~
- ~~(3) Has never been convicted of an offense involving moral turpitude, nor a violation of this article.~~
- (4) Has not made a misrepresentation of fact in the license application.
- (5) Has consistently complied with all provisions of this article and all other laws and ordinances of the Town.
- (6) Has paid all taxes, fees and assessments due the Town.

C. No rental license shall be issued for any rental unit under Subsection A(6) of this section until the applicant shall certify, in writing, on a form prepared by the Town, that:

- (1) Each such rental unit has a the minimum number of functioning smoke detection devices, in accordance with National Fire Protection Association (NFPA) requirements.
- (2) The number of people per unit building is in compliance with the Housing Code of Sussex County and of the State of Delaware, and acknowledgement of compliance with Town zoning laws, including the prohibition on group rentals provided in Section 130-18.
- (3) The information on the application is true and correct and that a false answer can subject the application to denial or a license to revocation.

**Section 2.** Chapter 95, Section 95-4, of the Municipal Code of the Town of Henlopen Acres, as amended, be and the same is hereby further amended by making the following additions as shown by underlining and deletions as shown by strikethrough:

**§ 95-4. Investigation of applicants.**

A. The Town Manager or other representative may, when cause appears, investigate and review all applications for licenses to do business within the limits of the Town:

- (1) If the activity for which a license has been requested is prohibited by any ordinance of the Town or law of the State of Delaware.
- (2) Whether or not a functioning smoke detector devices are is located within a rental unit, in accordance with Subsection 95-3(C)(1) of this Chapter.
- (3) Whether or not the number of persons in a leased dwelling unit is in compliance with the Housing Code and other codes.
- (4) If the license holder or applicant lacks qualifications to hold a license.

B. The Town Manager shall not issue any license if it is found that the applicant does not comply with the requirements of Subsection A hereof.

C. The Town Manager may recommend to the Mayor and Commissioners the revocation or suspension of the license or denial of the application.

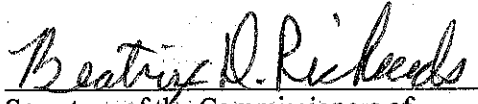
**Section 3.** Chapter 95, Section 95-11, of the Municipal Code of the Town of Henlopen Acres, as amended, be and the same is hereby further amended by making the following additions as shown by underlining and deletions as shown by strikethrough:

**§ 95-11. Violations and penalties.**

~~Any person violating any part of this article shall, on conviction thereof by a court of competent jurisdiction, be punished for each offense by a fine of not less than \$25 nor more than \$500, plus court costs and Victims' Compensation Fund assessment, and shall pay the costs of prosecution, including the Town's reasonable attorney's fees, and each separate day in which any of the provisions of this article are violated shall constitute a separate and distinct offense.~~ Any violation of any provision of this Chapter is declared to be a civil offense and is subject to the voluntary assessment and other procedures described in Chapter 55 of this Code. Any person violating any provision of this Chapter shall pay a civil assessment of \$50 per day for the first three days, then \$100 per day thereafter, and shall also pay the Town's court costs and expenses, including its attorneys' fees. A separate violation shall be deemed committed each day during or on which a violation occurs or continues.

**Section 4.** This Ordinance shall take effect immediately upon its adoption by the Mayor and Town Commissioners of the Town of Henlopen Acres.

Adopted by the Commissioners  
of the Town of Henlopen Acres  
\_\_\_\_\_, 2014

  
Secretary of the Commissioners of  
the Town of Henlopen Acres

**SYNOPSIS:** This Ordinance clarifies the laws governing rental properties and converts violations of Chapter 95 to civil offenses.